

### REMARKS

The Applicant requests for the continued examination of the present application in accordance with 37 C.F.R. § 1.114. Claims 1-18 are pending in the application with claims 1 and 3-18 being retained and claims 19-21 being added.

As stated in the Final Office Action on November 12, 2004, claims 11-17 stand rejected under 35 U.S.C. §112, first paragraph. Also, claims 1-5, 8-12, 14, 17, and 18 are rejected under 35 U.S.C. §102(b) as being anticipated by the Wagner patent (U.S. No. 5,564,122). In addition, claims 6, 7, 13, 15, and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Wagner patent. The Applicant respectfully traverses these rejections in view of the remarks submitted below.

On January 3, 2005, the Applicant filed an amendment after final. However, in an Advisory Action (1/18/05), the Examiner indicated that the proposed amendments would not be entered because they raised new matter. The Examiner further stated that the proposed amendments raised new issues that would require further consideration and/or search. However, the Examiner also stated that the proposed amendments are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.

**The Section 112, First Paragraph, Rejection:**

Claims 11-17 stand rejected under 35 U.S.C. 112, first paragraph, because there is no support in the specification for the last paragraph of claim 11, which recites "at least the top end portion deforming when the blocking pad is contacted by a volleyball so as to minimize torque applied to a user's wrist." Also, in the Advisory Action (1/18/05) and the telephonic interview (2/10/05 and 2/11/05), the Examiner stated that the application as originally filed does not support the limitation of a torque being applied to the user's wrist. The Examiner reasoned that the term "torque" is accorded its broadest meaning, which includes causing the actual rotation of the user's hand.

By this Amendment, claim 11 now recites the top end portion being deformable for substantially bending rearwardly and minimizing a rotational force applied to the user's wrist. The rotational force tends to cause the user's hand to rotate about his wrist. One skilled in the art will understand that the user's hand can receive the rotational force and remain fixed in one position (as shown in Figures 2

and 4) without rotating when the net force on the user's hand is equal to zero. As detailed below, it is submitted that these claim limitations are inherently and expressly supported by the subject matter disclosed in the originally filed application.

Specifically, as shown to Figure 2, one skilled in the art will understand that the device has a construction for applying the rotational force on the user's wrist. Namely, Figure 2 illustrates that the top end portion 28 being utilized for receiving the force of a ball that is impacted generally perpendicularly thereon. One skilled in the art will understand that this force is transmitted through the device to the user's hand so as to produce the rotational force on the user's hand and wrist.

As is known in the art, this rotational force is a torque to the extent that it tends to cause the user's hand to rotate rearwardly. Presumably, the Examiner rejected the term "torque" because its definition includes both the tendency to cause rotation of an object and the actual rotation of an object. The Examiner indicated that the specification does not disclose the actual rotation of the user's hand. Thus, for clarity, the Applicant has rewritten the claims to recite a rotational force instead of a torque. One skilled in the art will readily appreciate that this rotational force merely tends to cause the rotation of the user's hand about her wrist. In addition, it will be appreciated that the specification supports this limitation because as shown in Figures 2 and 4 the rotational force can be applied to the user's wrist without actually causing the user's hand to rotate. For instance, the user may apply a sufficiently strong force for opposing the rotational force and decreasing the net force on the user's hand to zero.

Further, as best shown in Figure 4, the top end portion 28 is deformable for bending rearwardly when struck by a ball and absorbing some of the impact force of the ball. Namely, the top end portion 28 includes an inner absorbing portion 16 that preferably is comprised of a foam material. The foam material is utilized for absorbing the force of the ball impacting the device. (Detailed Description: page 4, paragraph 15). In this way, one skilled in the art will understand that the top end portion 28 decreases the amount of impact force transmitted through the device thereby decreasing the rotational force on the user's hand. This feature is beneficial for minimizing injuries associated a rotational force applied to a user's wrist.

Also, in this regard, one skilled in the art will understand that the deformable top end portion 28 provides a relatively gradual application of the rotational force on the user's wrist. In that way, the top end portion 28 minimizes the shock or harshness of the force that is transmitted to the user's hand and wrist.

The specification has been amended to clarify the above subject matter, which was expressly disclosed in the original application or otherwise known to one skilled in the art in view of the original application.

It is therefore respectfully submitted that claims 11-17 are sufficiently supported by the specification and are allowable.

**The Section 102(b) Claim Rejections:**

Claims 1-5, 8-12, 14, 17, and 18 are rejected under 35 U.S.C 102(b) as being anticipated by the Wagner patent. The Applicant respectfully traverses this rejection.

The Examiner points to the Wagner patent and cites the inner surface 5a of the blocker 1 for teaching the glove being attached to the base portion of the training device. Close inspection of the Wagner patent (col. 2, lines 26-31; Figures 2 and 4) shows that the glove 5 is mounted to a center portion of the inner surface 5a. In this regard, the end portions of the blocking pad are substantially close to the user's hand and therefore the blocker 1 cannot be used to reach a puck that would otherwise sail substantially beyond the user's reach.

On the other hand, amended claims 1, 11, and 18 recite a training device having a bottom end portion and a top end portion that is offset a substantial distance from the bottom end portion. The bottom end portion has a hand-receiving portion extending therefrom for utilizing the top end portion for blocking a ball that would otherwise sail substantially beyond a user's reach. This feature decreases the height to which the user must jump and minimizes the length by which he must extend his arm for blocking the ball. For this reason, the Wagner patent does not teach or suggest this claimed structure and does not provide the benefits associated therewith.

The Examiner further points to Figure 6 of the Wagner patent for implicitly teaching a top end portion that deforms so as to minimize the rotational force on the user's wrist. The Wagner patent (Figure 4) discloses the angled upper area 3 being

located substantially close to the user's wrist. However, as explained hereinabove, the top end portion is offset a substantial distance from the user's wrist. For this additional reason, the Wagner patent does not teach the claimed top end portion.

Furthermore, the Wagner patent (Figures 1 and 4) discloses a backhand side of the glove being coupled to the blocker 1. As is known in the art, this construction is worn on one hand of a hockey goalie for utilizing that one hand for blocking shots on goal and simultaneously holding a goalie stick. On the other hand, the claimed invention includes the hand attachment portion having a front palm side coupled to the device. This structure is substantially different from the Wagner blocker. For this additional reason, the Wagner patent does not teach or suggest the limitations of claims 11-18, 20, and 21.

In view of the above, the Applicant respectfully submits that claims 1-5, 8-12, 14, 17, and 18 are novel and allowable notwithstanding the Wagner patent.

**The Section 103(a) Rejections:**

Claims 6, 7, 13, 15 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Wagner patent. The Applicant respectfully traverses this rejection.

Section 2142 of the Manual of Patent Examining Procedure ("MPEP") states that the Examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the Examiner does not produce a prima facie case, the Applicant is under no obligation to submit evidence of nonobviousness. *Id.*

A prima facie case of obviousness exists where the Examiner establishes that three criteria have been satisfied. *Id.* First, there must be some suggestion or motivation to modify the reference. *Id.* Second, there must be a reasonable expectation for success. *Id.* Finally, the prior art references must teach or suggest all the claim limitations. *Id.* It is respectfully submitted that the Examiner has not satisfied at least the first and third criteria.

Specifically, regarding the first criterion, Section 2142 of the MPEP states that there is no motivation or suggestion to make a proposed modification when the proposed modification would render the prior art unsatisfactory for its intended purpose. As described above, the Wagner patent (Figure 1) discloses a hockey goalie glove with a backhand side of the glove being mounted to the blocking pad. One

skilled in the art will understand that this construction accomplishes the intended purpose of the hockey goalie glove, which is to block shots and simultaneously hold a goalie stick. For that reason, as shown in Figures 1 and 2, the backhand side of the glove is mounted to the blocking pad so as to allow the goalie to utilize the blocking pad for blocking shots and simultaneously utilize the front palm side of the glove for holding a goalie stick. In this regard, the proposed modification of attaching the front palm side of the Wagner glove to the blocking pad would prevent the goalie from holding a goalie stick and blocking shots at the same time. As a result, the proposed modification would render the Wagner glove unsatisfactory for its intended purpose. Therefore, the Applicant respectfully submits that there is no motivation or suggestion to modify the Wagner patent as proposed and that claims 6, 7, 13, 15 and 16 are nonobvious and allowable.

Furthermore, as detailed hereinabove, the third criteria for prima facie obviousness has not been satisfied as the Wagner patent does not teach or suggest a training device having a bottom end portion with a hand-receiving portion extending therefrom and a top end portion that is offset a substantial distance from the bottom end portion. This construction is beneficial for utilizing the top end portion for blocking a ball that would otherwise sail substantially beyond a user's reach.

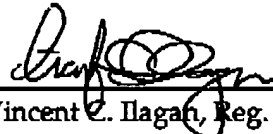
Therefore, the Applicant respectfully submits that claims 6, 7, 13, 15, and 16 are nonobvious and allowable.

**Conclusion:**

In view of the above amendments and remarks, the Applicant submits that all claims remaining in the case are now in a condition for allowance. A Notice of Allowance is therefore earnestly solicited.

The Examiner is invited to contact the undersigned attorney should any questions arise.

Respectfully Submitted,



---

Vincent C. Ilagan, Reg. No. 53,053  
Artz & Artz, P.C.  
28333 Telegraph Road, Suite 250  
Southfield, MI 48034  
(248) 223-9500

Attorney for Applicant

Dated: March 14, 2005

**Amendments To The Drawings:**

The two (2) attached sheet includes changes to Figures 1-4. These sheets replace the original sheets including Figures 1-4. In Figures 1-3, previously omitted reference numbers 24, 26, and 28 have been added. Also, in Figure 4, previously omitted reference numbers 26 and 28 have been added.

Attachment: Two (2) Replacement Sheets

Two (2) Annotated Sheets Showing Encircled Changes

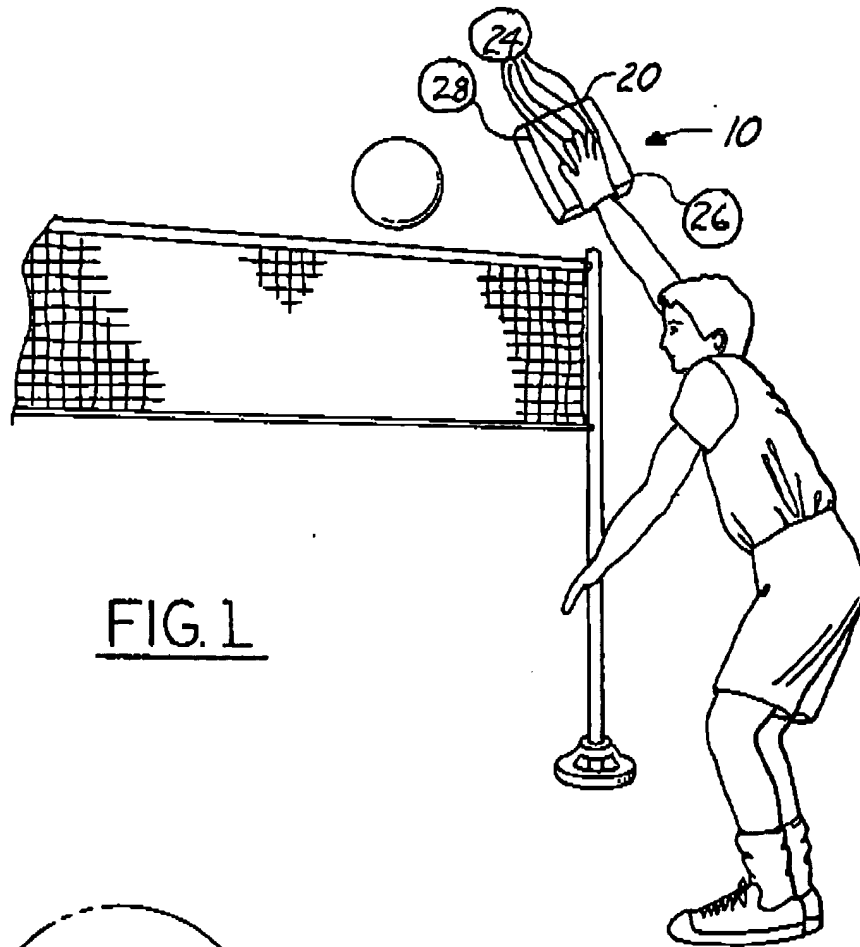


FIG. 1

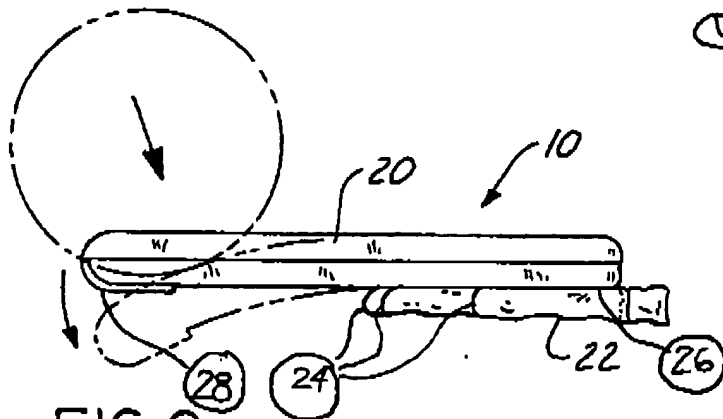


FIG. 2

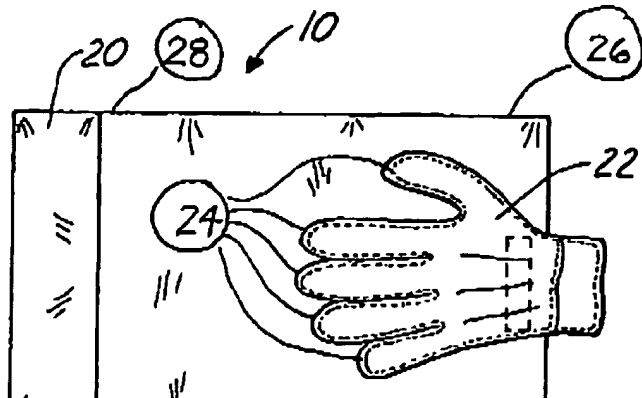


FIG. 3



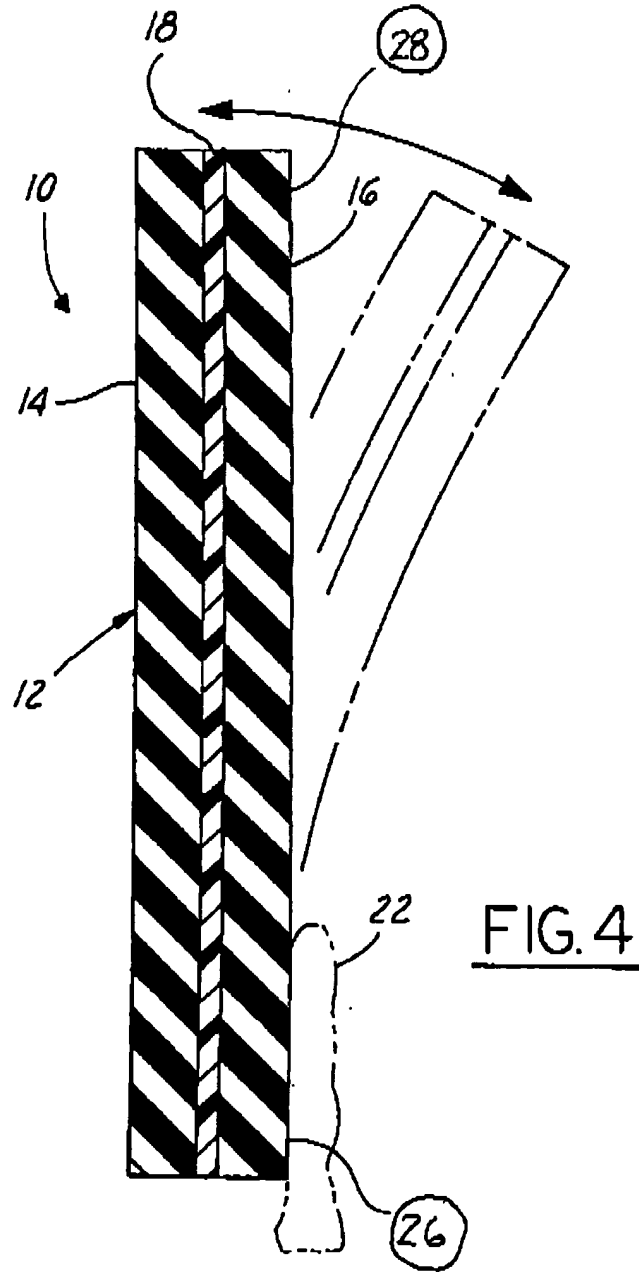


FIG. 4